

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
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1987

PUBLIC LAWS

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action or proceeding is brought is apparent on the face of the disclosure statement, except where the assignment was involuntary. For the purpose of this section, a violation apparent on the face of the disclosure statement includes, but is not limited to:

A. A disclosure which can be determined to be incomplete or inaccurate from the face of the disclosure statement or other documents assigned; or

B. A disclosure which does not use the terms required to be used by this Article.

Effective September 29, 1987, unless otherwise indicated.

CHAPTER 130

H.P. 670 — L.D. 903

AN ACT to Clarify Definition Language under the Site Location of Development Laws.

Be it enacted by the People of the State of Maine as follows:

38 MRSA §482, sub-§2, as amended by PL 1985, c. 162, §7, is repealed and the following enacted in its place:

2. Development which may substantially affect the environment. "Development which may substantially affect the environment," in this article called "development," means any state, municipal, quasi-municipal, educational, charitable, commercial or industrial development, including any subdivision:

A. Which occupies a land or water area in excess of 20 acres;

B. Which contemplates drilling for or excavating natural resources on land or under water where the area affected is in excess of 60,000 square feet;

C. Which is a mining activity as defined in this section;

D. Which is a hazardous activity as defined in this section; or

E. Which is a structure as defined in this section.

The term does not include state highways, state aid highways, borrow pits for sand, fill or gravel of less than 5 acres, or when regulated by the Department of Transportation, and such borrow pits entirely within the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, and those activities regulated by the Department of Marine Resources under Title 12, section 6072.

No person may construct or cause to be constructed or operate or cause to be operated, or in the case of a sub-

division, sell, offer for sale or cause to be sold, any development requiring approval under section 483, without first having obtained approval for such construction, operation or sale from the Board of Environmental Protection.

Effective September 29, 1987.

CHAPTER 131

H.P. 779 — L.D. 1051

AN ACT to Amend the Definition of Seasonal Under the Employment Security Law.

Be it enacted by the People of the State of Maine as follows:

26 MRSA §1251, sub-§3, ¶A, as amended by PL 1983, c. 750, §2, is further amended to read:

A. Any hotel, motel, inn, variety store, trading post, sporting camp or other lodging facility, including camps operated for boys and girls, restaurants and other eating establishments, which customarily conducts its operations which are primarily related to the production of its characteristic goods or services for a regularly recurring period or periods of less than 26 weeks in any one year shall be deemed seasonal.

Effective September 29, 1987.

CHAPTER 132

H.P. 813 — L.D. 1087

AN ACT to Restructure the Method of Appointment of Members of the Maine Land Use Regulation Commission.

Be it enacted by the People of the State of Maine as follows:

12 MRSA §683, as amended by PL 1985, c. 345, is amended to read:

§683. Creation of Maine Land Use Regulation Commission

The Maine Land Use Regulation Commission, as established by Title 5, section 12004, subsection 5, to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission shall consist of 7 public members, none of whom shall be state employees, who shall be appointed by the Governor, subject to review by the ~~Joint Standing Committee on~~

Natural Resources joint standing committee of the Legislature having jurisdiction over natural resources and to confirmation by the Legislature, for staggered 4-year terms. Among the public members, there shall be 4 who shall be knowledgeable in at least one of each of the following areas: Commerce and industry; fisheries and wild-life; forestry; and conservation. Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and at least one member 2 members shall be a resident of a town or plantation residents within the commission's jurisdiction.

Of the initial appointees, 2 shall be appointed for one-year terms, 2 shall be appointed for 2-year terms and 2 3 shall be appointed for 3-year terms. Thereafter, appointees shall be appointed to serve 4-year terms. One of the members shall be elected annually by the members as chairman.

Effective September 29, 1987.

CHAPTER 133

H.P. 1042 — L.D. 1404

AN ACT Relating to the Relocation of the Southern Division of the 10th District Court.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §153, sub-§30, as amended by PL 1979, c. 663, §§8 and 8-A, is further amended to read:

30. Southern York. Southern York consists of the municipalities of Eliot, Kittery, Ogunquit, South Berwick and York. The Until February 1, 1989, the District Court for Southern York shall be held at Kittery Eliot, Kittery, Ogunquit, South Berwick or York, the exact site to be determined by the Chief Judge. Beginning February 1, 1989, the District Court for Southern York shall be held at York.

Sec. 2. 4 MRSA §154, sub-§10 is amended to read:

10. Tenth District. The 10th district consists of the divisions of Eastern York (Biddeford or Saco) as above determined, Western York (Sanford) and Southern York (Kittery) (Eliot, Kittery, Ogunquit, South Berwick or York) as above determined.

Effective September 29, 1987.

CHAPTER 134

H.P. 1020 — L.D. 1373

AN ACT to Clarify Residency Requirements for Servicemen.

Be it enacted by the People of the State of Maine as follows:

12 MRSA §7076, sub-§6, as amended by PL 1985, c. 369, §4, is further amended to read:

6. Armed Forces domiciled in Maine. A combination fishing and hunting license shall be issued upon payment of \$11 in 1985, \$13 in 1986 and \$15 in 1987 and thereafter, plus the issuing fee, to a Maine resident serviceman on active duty in the Armed Forces of the United States who is permanently stationed outside of the State, his spouse and children, provided that he can show proof that his home of record, as recorded in his service records, is Maine. These persons shall be issued all other licenses or permits at resident fees. The license will be valid during the year of issue.

Effective September 29, 1987.

CHAPTER 135

S.P. 317 — L.D. 919

AN ACT Relating to the Issuance of Bonds or Notes for Union Schools.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §2102, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

2. Construction aid. Municipalities which are parties to a union school agreement shall be eligible for school construction aid on school construction projects for union schools in accordance with this section.

Sec. 2. 20-A MRSA §2102, sub-§§3 and 4 are enacted to read:

3. School construction projects. Municipalities which are parties to a union school agreement may undertake school construction projects for union schools in accordance with chapter 609 whether or not that school construction is expressly authorized by the union school agreement. If the union school agreement provides for the establishment of a joint union school committee, that committee shall have the responsibilities of a building committee and a municipal school board under chapter 609. If no provision is made for a joint union school committee, the school boards of the municipalities which are parties to the union school agreement shall carry out those responsibilities by concurrent action.

4. Borrowing. Notwithstanding any provision of a union school agreement to the contrary, each municipi-